

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

ALLEN R. BLAIR

PLAINTIFF

V.

CIVIL ACTION NO. 1:15-cv-00400-HSO-JCG

**YUM BRANDS
TACO BELL**

DEFENDANTS

DEFENDANTS' SECOND MOTION TO DISMISS

COME NOW, Defendants YUM! Brands, Inc. ("YUM"), and Taco Bell Corp. ("Taco Bell") (collectively "Defendants"), by and through their counsel of record, and submit this Second Motion to Dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, seeking dismissal of Plaintiff's Complaint with prejudice for failing to state a claim upon which relief may be granted, and in support thereof, Defendants would show unto the Court the following:

1. Plaintiff Allen R. Blair ("Plaintiff" or "Blair"), proceeding *pro se*, filed suit against Defendants December 7, 2015. [1]
2. On March 21, 2016, this Court granted Defendants' Motion to Dismiss [9]. At the same time, the Court granted Plaintiff leave to file an Amended Complaint "to clearly state and support with appropriate factual allegations any other causes of action he may be attempting to assert." [21]
3. Plaintiff filed his Amended Complaint March 22, 2016. [24]
4. As more fully articulated in Defendants' memorandum submitted separately to the Court, Plaintiff's Amended Complaint alleges no new facts or causes of action and the Court should dismiss the same with prejudice.

WHEREFORE, THESE PREMISES CONSIDERED, Defendants respectfully request that the Court dismiss Plaintiff's claims against them with prejudice, and grant them all other just and proper relief.

This the 4th day of April, 2016.

Respectfully submitted,

YUM! BRANDS, INC. AND
TACO BELL OF AMERICA, LLC
DEFENDANTS

BY: /s/ Robin Banck Taylor
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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I, the undersigned counsel, certify that I electronically filed the foregoing with the Clerk of the Court using the ECF system and served a true and correct copy of said document via U.S. Certified Mail, return receipt requested, to the following:

Allen R. Blair
623 Georgia Street
Gulfport, Mississippi 39501
(228) 313-4324

PRO SE PLAINTIFF

This, the 4th day of April, 2016.

/s/ Robin Banck Taylor
Robin Banck Taylor